

NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S. §§6172, 6192, 6193 & 6194

Struck text is being removed, and underlined text is being added

BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Regulation 95.04 VV, Closed Area No. 50-B, Mill Brook, Springer Creek and West Brook, West Franklin, promulgated on June 5, 2000. This amendment combines pollution closures in Area No. 50-B, Mill Brook, Springer Creek and West Brook, West Franklin, Area No. 50-C, Johnny's Brook and Card Mill Stream (Franklin), Area No. 50-D, Evergreen Point (Sullivan), and Area No. 50-E, Egypt Bay (Hancock - Franklin) into a single regulation. This amendment changes the title of the rule for Area No. 50-B and increases the size of the current prohibited area at Johnny's Brook and Card Mill Stream to adequately dilute elevated bacterial levels. All existing pollution and red tide/psp closures remain in effect. As authorized by 12 M.R.S. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.04(VV).

RULE TITLE AND SUBJECT: DMR Regulation 95.04 T3, Closed Area No. 50-C, Johnny's Brook and Card Mill Stream, Franklin, amended September 5, 2001; 95.04 L3, Closed Area No. 50-D, Evergreen Point, Sullivan, amended on May 18, 2005; 95.04 N3, Closed Area No. 50-E, Egypt Bay, Hancock and Franklin, amended January 23, 1995; are repealed. DMR Regulation 95.04 VV, Closed Area No. 50-B, Mill Brook, Springer Creek and West Brook, West Franklin, promulgated on June 5, 2000, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.04 (VV), Area No. 50-B, Egypt Bay, West Brook, Mill Brook, Springer Creek, Card Mill-Johnny's Brook (Franklin) and Evergreen Point (Sullivan).

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from all shores, flats and waters of the following areas:

- A. Egypt Bay (Hancock-Franklin): westerly and northerly (upstream) of a line beginning at a red post on an unnamed point that is located approximately 1000 yards southeast of where route 182 crosses Egypt Stream. From this red post the line runs south (about 300 yards) to the most eastern tip of an unnamed island, then runs southeasterly for approximately 330 yards to the nearest point (unnamed) of land.
- B. West Brook (Franklin): inside (northerly) of a line beginning at a red-painted post on the southernmost tip of the un-named point on the eastern shore of the cove into which West Brook enters Taunton Bay, and then extending westerly to a red-painted post on the western shore of the cove.
- C. Mill Brook (Franklin): inside (northerly) of a line beginning at the southernmost tip of Hardison Point and extending southwesterly (about 0.2 mile) to the most southeastern tip of an unnamed point that is located about 600 yards southeast of where Route 182 crosses Mill Brook. This unnamed point is located on the western shore of the cove where Mill Brook enters Taunton Bay.
- D. Springer Creek (Franklin): inside (northerly) of a line beginning at the southernmost tip of Dwelley Point and extending westerly to the southernmost tip of Julius Darling Point.
- E. Hog Bay (Franklin): in an area extending from the mouths of Johnny's Brook and Card Mill Stream west to a line across Hog Bay just where it widens, marked by red-painted posts, approximately 1900 yards west of the Route 200 (Bert Gray Road, so called) bridges crossing the head of Hog Bay.
- F. Evergreen Point (Sullivan): east of a line starting at the northwest tip of Evergreen Point (Evergreen Point Road) and extending north approximately 910 yards to a red-marker on the most western tip of the unnamed point (Plover Lane) on the northern shore of the cove. This new regulation classifies the area as restricted and any harvest requires a special MDMR permit.

TEXT OF RULE: ~~95.04 VV, Closed Area No. 50-B, Mill Brook, Springer Creek and West Brook, West Franklin.~~

~~Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Taunton Bay, town of Franklin from the following areas:~~

- ~~1. (Springer Creek) Inside (northerly) of a line beginning at the southernmost tip of Dwelley Point and extending westerly to the southernmost tip of Julius Darling Point.~~
- ~~2. (Mill Brook) Inside (northerly) of a line beginning at the southernmost tip of Hardison Point and extending southwesterly (about 0.2 mile) to the most southeastern tip of an unnamed point that is located about 600 yards southeast of where Route 182 crosses Mill Brook. This unnamed point is located on the western shore of the cove where Mill Brook enters Taunton Bay.~~
- ~~3. (West Brook) Inside (northerly) of a line beginning at a red-painted post on the southernmost tip of the unnamed point on the eastern shore of the cove into which West Brook enters Taunton Bay, and then extending westerly to a red-painted post on the western shore of the cove.~~

TEXT OF RULE: ~~95.04 T3, Closed Area No. 50-C, Johnny's Brook and Card Mill Stream, Franklin~~

- ~~1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Hog Bay, Franklin in an area extending from the mouths of Johnny's Brook and Card Mill Stream west to a line across Hog Bay, marked by red-painted posts, approximately 100 yards west of the Route 200 (Bert Gray Road, so called) bridges crossing the head of Hog Bay.~~

TEXT OF RULE: ~~DMR Regulation 95.04 L3, Closed Area No. 50-D, Evergreen Point, Sullivan~~

~~Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the un-named cove northeast of Evergreen Point, Sullivan, east of a line starting at the northwest tip of Evergreen Point (Evergreen Point Road) and extending north approximately 910 yards to a red-marker on the most western tip of the un-named point (Plover Lane) on the northern shore of the cove. This new regulation classifies the area as restricted and any harvest requires a special MDMR permit.~~

TEXT OF RULE: ~~DMR Regulation 95.04 N3, Closed Area No. 50-E, Egypt Bay, Hancock and Franklin.~~

~~Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from all shores, flats and waters of Egypt Bay in the towns of Hancock and Franklin. This closed area lies westerly and northerly (upstream) of a line beginning at a red post on an unnamed point that is located approximately 1000 yards southeast of where route 182 crosses Egypt Stream. From this red post the line runs south (about 300 yards) to the most eastern tip of an unnamed island, then runs southeasterly for approximately 330 yards to the nearest point (unnamed) of land.~~

EFFECTIVE DATE: April 29, 2010

EFFECTIVE TIME: 12:00 PM

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Maine Department of Marine Resources

Pollution Area No. 50-B

Egypt Bay, West Brook, Mill Brook, Springer Creek, Springer Creek,

Card Mill-Johnny's Brook (Franklin) and Evergreen Point (Sullivan) April 29, 2010

All existing bacterial and red tide/PSP closures in this area remain in effect.

